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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,335	11/21/2003	Masayuki Sekiya	17063.004001	2629
7590	11/14/2005			EXAMINER
Jonathan P. Osha Rosenthal & Osha L.L.P. Suite 2800 1221 McKinney St. Houston, TX 77010				ALEXANDER, REGINALD
			ART UNIT	PAPER NUMBER
			1761	
DATE MAILED: 11/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/719,335	SEKIYA, MASAYUKI
	Examiner	Art Unit
	Reginald L. Alexander	1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,7-23 and 26-29 is/are rejected.
- 7) Claim(s) 5,6,24 and 25 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/04, 11/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Natsumi et al.

There is disclosed in Natsumi an apparatus for cooking food on skewers, comprising: a main body 1 provided with heating means 2; a plurality of holding members 6 for holding skewers K; rotating means 81 for rotating the holding members; wherein the rotating means includes a plurality of rotational drive sources 81A with adjustable speeds of rotation (see element 83); and a plurality of cassettes 5 which receive the holding means and rotational drive sources.

In regards to claim 3, the housing arrangement of Natsumi appears to meet the limitations of "vertical oblong".

Claims 7-9, 11-20, 23 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ridgely.

There is disclosed in Ridgely an apparatus for cooking food on skewers, comprising: a main apparatus body 25; at least one cassette 26, 27, 28 provided with holding members 32, 49, 50 for holding skewers 30, 47, 51; rotating means 40 for rotating the holding members; heating means 37 adjacent the cassette and within the

main body; and a see-through member 53 enabling one to observe the cooking space from outside thereof.

Claim 29 is rejected under 35 U.S.C. 102(b) as being anticipated by Roberts et al.

There is disclosed in Roberts a food holding device for cooking skewered food, comprising: a rod member 36 provided with a hole 40 for one end of a skewer 68 to plug into; and a pair of mesh members 78 extending along the skewer so as to sandwich the food from both sides.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Natsumi et al. in view of Bobo.

Bobo teaches the use of a grease tray 27 below a skewer holding apparatus of a cooking oven.

It would have been obvious to one skilled in the art to provide the apparatus of Natsumi with the grease tray taught in Bobo, in order to collect grease and prevent it from damaging the oven.

Claims 10, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ridgely in view of Bobo.

Bobo teaches the use of a grease tray 27 below a skewer holding apparatus of a cooking oven.

It would have been obvious to one skilled in the art to provide the apparatus of Ridgely with the grease tray taught in Bobo, in order to collect grease and prevent it from damaging the oven.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ridgely in view of Cook et al.

Cook teaches the use of ventilation openings 104, 105, 123 in upper and lower portions of a cooking oven to allow for the circulation of air through a cooking space.

It would have been obvious to one skilled in the art to provide the apparatus of Ridgely with the ventilation means taught in Cook, in order to allow for the circulation of air through the cooking space.

#### ***Allowable Subject Matter***

Claims 5, 6, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Kim and Alexander are cited for their disclosure of the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Reginald L. Alexander  
Primary Examiner  
Art Unit 1761

rla  
08 November 2005